

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KYLE RODNEY,

**Plaintiff,**

Case No. 3:16-cv-00305-MMD-WGC

v.

BRIAN SANDOVAL, *et al.*

## Defendants.

## ORDER

15 Before the Court is Plaintiff Kyle Rodney's Motion to Dismiss Without Prejudice.  
16 (ECF No. 24.) Plaintiff may seek dismissal of this action pursuant to Fed. R. Civ. P.  
17 41(a)(2) if the opposing party has already served an answer. Rule 41(a)(2) provides "an  
18 action may be dismissed at the plaintiff's request only by court order, on terms that the  
19 court considers proper." The decision to grant or deny a request pursuant to Rule  
20 41(a)(2) is within the sound discretion of the trial court and is reviewed only for abuse of  
21 discretion. *Sams v. Beech Aircraft Corp.*, 625 F.2d 273, 277 (9th Cir. 1980). Dismissal  
22 pursuant to Rule 41(a)(2) should be granted unless the defendant can show that it will  
23 suffer some clear legal prejudice as a result. *Smith v. Lenchs*, 263 F.3d 972, 975 (9th  
24 Cir. 2001). Defendants Non-Opposition to Plaintiff's Motion to Dismiss was filed on  
25 September, 25, 2017 (ECF No. 25). The Court is therefore satisfied that good cause  
26 appears to dismiss this suit.

27 It is therefore hereby ordered that Plaintiff Kyle Rodney's Motion to Dismiss  
28 Without Prejudice (ECF No. 24) is granted.

1 It is further ordered that Defendants' Motion for Leave to File Confidential  
2 Documents Under Seal in Support of Defendants' Motion for Summary Judgment (ECF  
3 No. 18) is granted.

4 It is further ordered that Defendants' Motion for Summary Judgment (ECF No. 17)  
5 is denied as moot.

6 The Clerk of Court is directed to close this case.

7 DATED THIS 27<sup>th</sup> day of September 2017.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE